



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
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DALLAS, TX 75202-2733

JAN 13 2010



Harold Leggett, Ph.D.
Secretary
Louisiana Department of Environmental Quality
Post Office Box 4301
Baton Rouge, LA 70821

Dear Secretary Leggett:

Thank you for your December 15, 2009, letter to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson regarding this agency's actions to control greenhouse gases. Your letter was referred to me because Louisiana is within the jurisdiction of Region 6.

In your letter, you raised issues about EPA acting under the existing Clean Air Act instead of waiting for Congress to pass new legislation. You also expressed concerns that EPA's deliberations have been "devoid of public participation," contrary to the provisions of the Clean Air Act, and undertaken without consideration of costs or international impacts.

While we agree that new legislation would be preferable, the Supreme Court ruled on April 2, 2007, that EPA must consider greenhouse gases under the existing Clean Air Act for vehicles and other sources. In response to the Supreme Court ruling, EPA carefully evaluated whether greenhouse gases posed an endangerment to public health and welfare under the Clean Air Act. EPA relied upon decades of sound, peer-reviewed, extensively evaluated evidence gathered by scientists from the United States and around the world. In April 2009, EPA sought public review and comment on a proposed finding that greenhouse gases present a danger. More than 380,000 comments were received during the 60-day public comment period. These comments were fully reviewed and considered during the development of the final decision. The evaluation and response to these comments, the scientific references submitted, and all other relevant information is contained in an 11-volume document that may be found at <http://www.epa.gov/climatechange/endangerment.html>.

Based upon this record, on December 7, 2009, EPA concluded that the extensive body of science shows that the amount of greenhouse gases in our atmosphere is increasing and is changing our climate, that this increase is due to human activity, and that changes to the climate are expected to cause harm to public health and the welfare of U.S. citizens.

Your letter also asserts that EPA must obtain formal Congressional approval to use the Clean Air Act for greenhouse gas control, or establish national ambient air quality standards for greenhouse gases. We differ with this assertion. National ambient air standards exist for a handful of pollutants; however, EPA regulates a wide range of pollutants under the Act. Some, like mercury, have international impact and no ambient air concentration standard. As stated above, EPA would prefer that new climate change legislation be passed, but until such action is taken, the law does not provide for EPA to delay.

The Clean Air Act requires EPA to consider whether a pollutant presents a risk to human health or welfare before considering economics and implementation issues. However, EPA did solicit comments on economics and implementation in the September 15, 2009, proposed rules for light duty vehicles and in the September 30, 2009, proposed revisions to stationary source air permitting rules. Final decisions on these rules have not been made. EPA will take a reasonable, common-sense approach to addressing greenhouse gas emissions, one that does not place undue burden on the businesses that make up the better part of our economy.

EPA recognizes the necessity for international cooperation in reducing greenhouse gases. Administrator Jackson recently emphasized in her speech at the United Nations Climate Change Conference in Copenhagen that we are all connected as one planet. The United States is seeking robust engagement with all of our partners around the world. We are seeking a path forward that rewards our mutual interests and recognizes our individual responsibilities. We are also seeking to prevent the rapid approach of climate change that affects us, not as separate nations, but as one Earth. In taking action now and recognizing this threat, EPA joins the hundreds of other countries who have seen the overwhelming evidence and called for action on climate change.

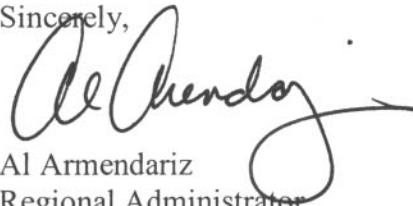
Regarding your comments about the proposed tailoring rule, EPA will carefully consider comments received on the tailoring rule proposal concerning state implementation issues and affected permitting actions when finalizing this rulemaking. Through conversations with and comments received from state and local permitting authorities, EPA is particularly aware of the specific implementation issues related to the tailoring rule and is developing workable solutions to address these issues. EPA will also be considering comments that address the increased permitting activities resulting from greenhouse gas emissions to determine if EPA should adopt threshold levels that differ from the proposal.

You also mentioned the State's limitations on Title V permitting fee increases as a factor in administering a greenhouse gas permitting program. The federal requirements do provide a funding mechanism to allow States to collect sufficient fees to cover the Title V permit program cost. Therefore, the Louisiana Department of Environmental Quality (LDEQ) may need to involve the State Legislature to ensure sufficient fees may be collected to address the added workload.

Lastly, you asked that EPA respond to your letter dated October 2, 2009, regarding PM 2.5 regulations. A letter has been developed by our Office of Air and Radiation which you should receive shortly.

I appreciate the opportunity to address your concerns and assure you that EPA will continue to work with the LDEQ as we seek effective solutions to the environmental challenges in your State. If you have further concerns, please contact me at (214) 665-2100, or your staff may contact Mr. Thomas Diggs of my staff at (214) 665-3102.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al Armendariz', with a long horizontal flourish extending to the right.

Al Armendariz
Regional Administrator